

Exhibit “3”

1 Fred W. Schwinn (SBN 225575)
2 CONSUMER LAW CENTER, INC.
3 12 South First Street, Suite 1014
4 San Jose, California 95113-2418
5 Telephone Number: (408) 294-6100
6 Facsimile Number: (408) 294-6190
7 Email Address: fred.schwinn@sjconsumerlaw.com

8 Attorney for Plaintiff
9 SAMUEL KWESI DADJO

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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 SAMUEL KWESI DADJO,

16 Plaintiff,

17 v.

18 ENCORE RECEIVABLE MANAGEMENT,
19 INC., a Kansas Corporation,

20 Defendant.

21 Case No. C07-05856-SC

22 **PLAINTIFF'S FIRST REQUEST FOR**
23 **PRODUCTION OF DOCUMENTS**
24 **PROPOUNDED TO ENCORE**
25 **RECEIVABLE MANAGEMENT, INC.**

26 TO: Encore Receivable Management, Inc.
c/o David J. Kaminski
Carlson & Messer, LLP
5959 W. Century Boulevard, Suite 1214
Los Angeles, CA 90045

27 COMES NOW the Plaintiff and pursuant to Rule 34 of the Federal Rules of Civil Procedure
28 requests that Defendant, ENCORE RECEIVABLE MANAGEMENT, INC., allow the Plaintiff to
inspect and copy the following documents. Said production to be made at the law offices of the
Consumer Law Center, Inc., 12 South First Street, Suite 1014, San Jose, California 95113-2418,
within thirty (30) days of the service of this request. In the alternative, copies of these documents
may be forwarded to Plaintiff's counsel prior to the expiration of this time period.

For purposes only of this request for production, the following term, when used in this
request, shall mean:

DOCUMENT(S): Including but not limited to, all faxed, microfilmed, oral, recorded, taped,
transcribed, typed, written, or by any other means recorded: affidavits; agreements;
appointment books; bills; books; brochures; business accounts; business records; calendars;

1 charts; circulars; communique; compilations; complaints; computer stored information;
 2 contracts; correspondence; data; day books; diagrams; diaries; documents; drafts; faxes;
 3 files; graphs; invoices; ledgers; letters; lists; mailing lists; medical records; memorabilia;
 4 memorandums; messages; microfiche; microfilms; minutes; missives; motion pictures;
 5 motes; notices; pamphlets; papers; personal accounts; personal files; personal records;
 6 photographs; proxies; receipts; recordings; records; releases; releases to press, public or
 other; reports, draft and final; schedules; sketches; statements; statistics; studies; summaries;
 tape recordings; telegrams; teletypes; transcripts; videotapes; worksheets; and any other
 same or similar item. Document shall further include all copies of any document requested,
 including drafts thereof, unless a copy or draft is identical in every respect to any other copy
 of such documents being produced.

7 This request is intended to cover all documents in possession of the Defendant, or subject
 8 to its custody and control, regardless of location. This request shall be deemed continuing so as to
 9 require further and supplemental production if Defendant obtains additional documents required to
 10 be produced herein between the time of the initial production and the time of trial.

11 Unless otherwise stated, the relevant time period is January 1, 2006, to the present.
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13 Plaintiff hereby requests that the Defendant, ENCORE RECEIVABLE MANAGEMENT,
 14 INC., produce and permit Plaintiff to inspect and copy each of the following:

- 15 1. All **DOCUMENTS** on which you relied in anyway in preparing answers to Plaintiff's
 16 interrogatories served simultaneously herewith.
- 17 2. All **DOCUMENTS** which you specially mention in any answer to Plaintiff's interrogatories
 18 served simultaneously herewith.
- 19 3. All **DOCUMENTS** which were specifically mentioned or requested in the text of any of
 20 Plaintiff's interrogatories served simultaneously herewith.
- 21 4. All **DOCUMENTS** which you intend to utilize at a trial or hearing in this matter.
- 22 5. All **DOCUMENTS** identified or listed in **YOUR** Initial Disclosures pursuant to Fed. R. Civ.
 23 P. 26(a)(1) in this case.
- 24 6. All **DOCUMENTS** relating in any way to the alleged debt of Plaintiff and the collection
 25 thereof.
- 26 7. An organizational chart for Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.
- 27 8. Copies of the Complaint for any litigation filed against Defendant, ENCORE RECEIVABLE
 28 MANAGEMENT, INC., in the past 3 years alleging violations of the federal Fair Debt

1 Collection Practices Act, 15 U.S.C. § 1692d(5).

2 9. Copies of the Complaint for any litigation filed against Defendant, ENCORE RECEIVABLE
3 MANAGEMENT, INC., in the past 3 years alleging violations of the federal Fair Debt
4 Collection Practices Act, 15 U.S.C. § 1692d(6).

5 10. Copies of the Complaint for any litigation filed against Defendant, ENCORE RECEIVABLE
6 MANAGEMENT, INC., in the past 3 years alleging violations of the federal Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692e(11).

8 11. Copies of the Complaint for any litigation filed against Defendant, ENCORE RECEIVABLE
9 MANAGEMENT, INC., in the past 3 years alleging violations of California Rosenthal Fair
10 Debt Collection Practices Act, Cal. Civil Code § 1788.11(b).

11 12. Copies of the Complaint for any litigation filed against Defendant, ENCORE RECEIVABLE
12 MANAGEMENT, INC., in the past 3 years alleging violations of California Rosenthal Fair
13 Debt Collection Practices Act, Cal. Civil Code § 1788.11(d).

14 13. Copies of the Complaint for any litigation filed against Defendant, ENCORE RECEIVABLE
15 MANAGEMENT, INC., in the past 3 years alleging violations of California Rosenthal Fair
16 Debt Collection Practices Act, Cal. Civil Code § 1788.11(e).

17 14. Any insurance policies covering Defendant, ENCORE RECEIVABLE MANAGEMENT,
18 INC., for violation of the Fair Debt Collection Practices Act or the Rosenthal Fair Debt
19 Collection Practices Act.

20 15. All **DOCUMENTS** in Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.'s,
21 possession sent to or received from anyone which in any way relate to the debt owed by
22 Plaintiff.

23 16. All **DOCUMENTS** in Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.'s,
24 possession sent to or received from Plaintiff which in any way relate to the debt owed by
25 Plaintiff.

26 17. All operation manuals or similar **DOCUMENTS**, etc., utilized by Defendant, ENCORE
27 RECEIVABLE MANAGEMENT, INC., relating to its compliance with the federal Fair Debt
28 Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

1 18. All operation manuals or similar **DOCUMENTS**, etc., utilized by Defendant, ENCORE
2 RECEIVABLE MANAGEMENT, INC., relating to its compliance with the California
3 Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788 *et seq.*

4 19. All **DOCUMENTS** relating to the maintenance of procedures by Defendant, ENCORE
5 RECEIVABLE MANAGEMENT, INC, adapted to avoid any violation of the federal Fair
6 Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

7 20. All **DOCUMENTS** relating to the maintenance of procedures by Defendant, ENCORE
8 RECEIVABLE MANAGEMENT, INC., adapted to avoid any violation of the California
9 Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788 *et seq.*

10 21. All material, including video and audio tapes, pertaining to training by or for Defendant,
11 ENCORE RECEIVABLE MANAGEMENT, INC., and its employees regarding the federal
12 Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

13 22. All material, including video and audio tapes, pertaining to training by or for Defendant,
14 ENCORE RECEIVABLE MANAGEMENT, INC., and its employees regarding the
15 California Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788 *et seq.*

16 23. All fee agreements between Defendant, ENCORE RECEIVABLE MANAGEMENT, INC.,
17 and its attorneys or other **DOCUMENTS** relating to such fees.

18 24. A copy of the entire contents of the collection file maintained by Defendant, ENCORE
19 RECEIVABLE MANAGEMENT, INC., pertaining to the collection of the debt owed by
20 Plaintiff.

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22 CONSUMER LAW CENTER, INC.

23 By: 
24 Fred W. Schwinn (SBN 225575)
25 12 South First Street, Suite 1014
26 San Jose, California 95113-2418
27 Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email: fred.schwinn@sjconsumerlaw.com
Attorney for Plaintiff

1 CERTIFICATE OF SERVICE

2 The undersigned, Fred W. Schwinn, does hereby certify that he caused a true and correct
3 copy of the above and foregoing document to be deposited in the United States mail, postage
4 prepaid, addressed to the following:

5 David J. Kaminski
6 Carlson & Messer, LLP
7 5959 W. Century Boulevard, Suite 1214
8 Los Angeles, CA 90045
9 Attorney for Defendant

10 on this, the 20th day of February, 2008.

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12 _____
13 Fred W. Schwinn

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